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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 001619

SIPDIS

AF/S FOR BNEULING
NSC FOR SENIOR AFRICA DIRECTOR C. COURVILLE
USDOC FOR ROBERT TELCHIN
TREASURY FOR J. RALYEA, B. CUSHMAN
PASS USTR FOR FLORIZELLE LISER
STATE PASS USAID FOR MARJORIE COPSON
USDOL FOR ROBERT YOUNG
US MISSION GENEVA FOR JOHN CHAMBERLAIN

E.O. 12958: DECL: 12/31/2009

TAGS: [ELAB](#) [PGOV](#) [PHUM](#) [PREL](#) [ZI](#) [ZCTU](#)

SUBJECT: NEW GOZ LAW FURTHER RESTRICTS LABOR RIGHTS

Classified By: Charge d'Affaires a.i. for reason 1.4 b/d

Summary

1. (C) The Labor Amendment Bill, passed by Parliament on November 2, increased the role of the GOZ in mediating industrial disputes and excluded public sector employees from labor law protections, both of which are potentially objectionable to the International Labor Organization (ILO). The Zimbabwe Congress of Trade Unions (ZCTU) and the Employers Confederation of Zimbabwe (EMCOZ) are both dissatisfied with the Bill. See Action Request in paragraph 7. End Summary.

Key Provisions

2. (SBU) The Labor Amendment Bill (text e-mailed to AF/S and DRL/IL), which was passed by Parliament on December 2 despite MDC opposition, generally increases the GOZ's involvement in industrial relations. It provides for the creation of ad hoc Advisory Councils to resolve industrial disputes between labor and employers but allows the Labor Minister to appoint members to Advisory Councils without consulting either ZCTU or EMCOZ. The Bill also restricts the right of appeal for both employers and employees by making lower court rulings enforceable despite an appeal.

3. (SBU) The Bill also excludes public sector employees from coverage under labor laws, placing them instead under the Public Service Act (PSA). This has the effect of drastically scaling back public sector employees labor rights. The PSA does not provide for the right to form and belong to trade unions, to collective bargaining, to strike, or to use alternative dispute resolution mechanisms. The Labor Minister told the Parliamentary Portfolio Committee on Public Service, Labor, and Social Welfare that an amendment adding these rights to the PSA was "forthcoming".

ZCTU and EMCOZ React Negatively

4. (C) ZCTU economist Godfrey Kanyenze told PolOff on November 22 that the labor organization had strongly opposed the Bill, especially the exclusion of public sector employees from existing labor laws. Kanyenze said this was a blatant violation of ILO core labor standards and was a deliberate effort by the GOZ to keep civil servants in check. He also expressed skepticism that the promised amendment to the Public Service Act to correct the problem would ever come to pass.

5. (C) Kanyenze said ZCTU also opposed allowing the Labor Minister to make appointments to the Advisory Councils without consultation, which he said would make the Council's useless as mediators, and objected to restrictions on the right to appeal. A labor union that had been ordered to de-register, for example, would now have to shutdown its operations pending appeal and given the long time courts take to hear and decide cases would most likely be unable to re-constitute itself even if it won on appeal.

6. (C) EMCOZ Executive Director John Mufukare told PolOff on November 16 that employers were also largely unhappy with the Bill as well and were sympathetic to ZCTU's objections. Mufukare shared Kanyenze's concern about the Advisory Councils and emphatically opposed the enforcement of lower court judgments while an appeal was pending. He noted that, under this provision, an employer would have to pay an employee damages and then recover the money later if the employer won on appeal.

Comment and Action Request

17. (C) This Bill represents the latest in the GOZ's relentless drive to subdue civil society. Despite the objections of both employers and the unions, it is likely to be implemented as passed. With that in mind, we invite the Department to examine the Bill's provisions, especially the effect on public sector employees' labor rights and the Labor Ministry's control of the arbitration process as they relate to Zimbabwe's international obligations and, if appropriate, to have the matter(s) raised at ILO meetings in June.

SCHULTZ